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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLAY ROUECHE,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

Case No. C13-2165RSL

ORDER DENYING MOTION
FOR COUNSEL AND
EVIDENTIARY HEARING

This matter comes before the Court on Petitioner’s “Motion for Appointment of Counsel and Incorporated Request for an Evidentiary Hearing” (Dkt. # 4) in this 28 U.S.C. § 2255 action to vacate, set aside, or correct Petitioner’s sentence. Having considered Petitioner’s motion and the remainder of the record, the Court finds as follows:

There is no constitutional right to counsel in a post-conviction § 2255 proceeding. Sanchez v. United States, 50 F.3d 1448, 1456 (9th Cir. 1995). Under the Rules Governing § 2255 Proceedings for the United States District Courts, if a judge authorizes discovery or finds that an evidentiary hearing is warranted, “the judge must appoint an attorney for a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A.” Rule 6(a); Rule 8(c). The Court has not authorized discovery or determined that an evidentiary hearing is necessary. In the event that the Court finds an evidentiary hearing or discovery necessary, the Court will appoint counsel for Petitioner.


ORDER DENYING MOTION FOR APPOINTMENT
OF COUNSEL AND EVIDENTIARY HEARING - 1

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The Court also DENIES Petitioner’s request for an evidentiary hearing as premature. The Court will consider Petitioner’s request and determine whether an evidentiary hearing is required following receipt and review of the government’s response to his petition and Petitioner’s reply, if any.

For all of the foregoing reasons, the Court DENIES Petitioner’s motion for appointment of counsel and evidentiary hearing (Dkt. # 4).

DATED this 10th day of December, 2013.


Robert S. Lasnik
United States District Judge